

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 24429 of 2000

Dated: 14-02-2006

Between:

P.Ranga Reddy

..... PETITIONER

AND

The Government of A.P., rep., by its
Principal Secretary, Revenue(Excise-III) Department,
Hyderabad and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION No.24429 of 2000

O R D E R:

The petitioner is the owner of the tractor and traitor bearing No. ATA 9755 and APD 1789, which was seized in Cr.No.176 of 1995-96

of Prohibition and Excise Station, Proddutur, on 05-03-1996, and after due enquiry, the Deputy Commissioner of Prohibition and Excise, Kurnool, by proceedings dated 27-02-1998, confiscated the vehicle. Even the appeal preferred by the petitioner was dismissed by the Commissioner of Prohibition and Excise, by order dated 22-04-1999. Subsequently, the petitioner made an application for release of the vehicle by compounding the offence in terms of G.O.Ms.No.496, Revenue Excise Department dated 25-07-2000. The said request of the petitioner was rejected by the Deputy Commissioner of Prohibition and Excise, by order dated 26-11-2000, on the ground that the quantity of I.D. Liquor involved in the crime was 40 liters, which was more than the prescribed quantity of 5 liters, and therefore, Rule - 7 of G.O.Ms.No.496 dated 25-07-2000 for release of vehicle after accepting a compounding fee is not applicable. The said order dated 26-11-2000 is under challenge in this writ petition.

An identical question has been considered by this Court in W.P.No.11365 of 2004, which was disposed of today by a separate order, wherein it was observed as under: -

“It is to be noted that Section 11-B of the Act is in two parts. The first part provides for compounding of offences falling under Section 8 (a) & (b) and Section 9 of the Act accepting a sum of money as prescribed under the Rules, under which the minimum compounding fees has been prescribed for certain offences, but not exceeding the maximum fine which can be imposed for the offence under the provisions of the Act. The latter part of Section 11-B in clear terms states that in all cases in which any property has been seized and liable for confiscation may be released on payment of the value thereof, as estimated by the Collector or any Prohibition & Excise Officer specially empowered in that behalf. It is clear that the latter part deals with the offences, which do not fall under the first part. So far as the offences falling under the latter part of Section 11-B are concerned, the Rules are not applicable and it provides for release of any property that has been seized and liable for confiscation under the Act on payment of the compounding fees as estimated by the officer”

In the light of the ratio laid down in W.P.No.11365 of 2004, the

impugned order dated 26-11-2000 is set aside and the Deputy Commissioner of Prohibition and Excise is directed to consider the request of the petitioner for compounding the offence in view of Rule - 7 of G.O.Ms.No.496 dated 25-07-2000 afresh and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this order. No costs.

G.ROHINI, J

Dated:14-02-2006

ghn/klp